

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ABC CORPORATION I,	)	
ABC CORPORATION II	)	
	)	
Plaintiffs,	)	
	)	Case No. 20-cv-4806
v.	)	
	)	Judge Thomas M. Durkin
THE PARTNERSHIPS AND	)	Magistrate Judge Jeffrey Cole
UNINCORPORATED ASSOCIATIONS	)	
IDENTIFIED ON SCHEDULE A,	)	
	)	
Defendants.	)	
	)	
	)	

**PLAINTIFFS' MOTION TO DISMISS  
COUNTERCLAIM OF DEFENDANT GYROOR**

Plaintiffs Hangzhou Chic Intelligent Technology Co. and Unicorn Global, Inc. (“Plaintiffs”), by their undersigned counsel, move to dismiss Count II of Defendant Gyroor’s counterclaims under Rules 8 and 12(b)(6). The parties have agreed to the following briefing schedule: Defendant’s response due on December 3, 2021, and Plaintiffs’ reply due on December 17, 2021.

1. Defendant’s counterclaim falls short of the Rule 8 pleading standard, as articulated in *Iqbal* and *Twombly*. Defendant fails to plead any of the required elements of an antitrust claim or even identify the section of the Sherman Act allegedly at issue.

2. The *Noerr-Pennington* doctrine bars Defendant’s claim because the claim is based solely on Plaintiffs’ enforcement of their patent rights through litigation. Defendant has not pleaded facts to qualify for any exception to the *Noerr-Pennington* doctrine.

**WHEREFORE**, on the basis of their accompanying memorandum of law, Plaintiffs move the Court to dismiss Count II of Defendant Gyroor-US's counterclaims, with prejudice.

Date: November 12, 2021

Respectfully Submitted,  
LOEB & LOEB LLP

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